

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

THOMAS H. CLAY, ET AL.

§

VS.

§

CIVIL ACTION NO. 9:05cv131

TDCJ-ID

§

ORDER OF PARTIAL DISMISSAL

Co-Plaintiff Larry Evans, an inmate confined in the Texas prison system, was one of six inmates who filed the present lawsuit pursuant to the Religious Land Use and Institutionalized Persons Act of 2000. The cause of action was referred to United States Magistrate Judge Harry W. McKee, who issued a Report and Recommendation concluding that his motion to voluntarily dismiss his claims should be granted. Co-Plaintiff Thomas H. Clay filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by the plaintiff are without merit. Clay has not shown that he has any standing to object to Evans' motion to withdraw from the lawsuit. He has not shown that he has any right to compel Evans to remain in the lawsuit. Thus the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that Co-Plaintiff Larry Evans' motion to dismiss (docket entry #22) is **GRANTED**. It is further

**ORDERED** that Co-Plaintiff Larry Evans is **DISMISSED** as a plaintiff in the lawsuit.

So **ORDERED** and **SIGNED** this **8** day of **August, 2005**.

A handwritten signature in cursive script, appearing to read "Ron Clark", written in black ink.

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Ron Clark, United States District Judge